

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6775 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO
1 to 5 No
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DHIRUBHAI D SHIYANI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 6775 of 1990
MR BR KYADA for Petitioner No. 1
MR AJ DESAI AGP Respondent No. 1
MR BAROT for MR HS MUNSHAW for Respondent No. 2
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CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 27/09/2001

ORAL JUDGEMENT

1. This petition under Article 226 of the Constitution is directed against the order dated 6.9.1990

suspending the petitioner from service. While admitting the matter on 20.9.1991, by way of interim relief, the part of the order effecting suspension was stayed. A statement is made on behalf of respondent No.2 that subsequent to the admission of this petition, the petitioner was reinstated on 19.10.1991 and he has retired on 31.12.1999. It is also stated that all the retiral benefits are also paid to the petitioner. Thus, in short, the petition has become infructuous due to the subsequent developments. The learned counsel for the petitioner fairly conceded that, in such circumstances, the petition is required to be disposed as having become infructuous. Accordingly, the petition is dismissed as having become infructuous. Rule discharged with no order as to costs. Interim relief stands vacated.

Sd/-

27.9.2001

(D.H.Waghela, J.)

(KMG Thilake)